

Chapter 42

WATER AND SEWER*

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State law references- Authority to operate public enterprises, G.S. 153a-275; authority to fix and enforce rates, G.S. 153a-277; special provisions for water and sewer services, G.S. 153a-283 et seq.

WATER AND SEWER

ARTICLE I. IN GENERAL

Sec. 42.1 Sewer use.

- (a) Through individual contracts with municipalities, the county provides wastewater treatment facilities to both residential and business property owners in unincorporated areas of the county. Each such wastewater treatment facility is operated pursuant to a municipal ordinance which has been created in conformance with applicable laws and which has been approved by the appropriate controlling state agency.
- (b) Every property owner whose property is connected to a municipality's wastewater treatment system, pursuant to the county's contract with such municipality, will be subject to all applicable terms and conditions of the municipality's sewer use ordinance, which ordinance is adopted by the county and incorporated in this section by this reference, and a copy of such ordinance is on file and available for inspection (Code 1995, § 504.07)

Secs. 42-2—42-30. Reserved.

ARTICLE II. EXTENSION OF WATER AND SEWER SERVICE

DIVISION 1. GENERALLY

Secs. 42-31—42-55. Reserved.

Division 2. WATER EXTENSIONS

Sec. 42-56. Legislative authority.

This division is enacted pursuant to G.S. 153A-121—124 and 153A-284. (Code 1995, § 504-01)

Sec. 42-57. Purpose and applicability.

The objective of this division is to set regulations for the extension of water service in unincorporated areas of the county and applies to all county-owned revenue sharing and revolving load program lines located outside municipal limits. The county will extend water infrastructure according to the terms and conditions in this division. (Code 1995, § 504-02)

Sec. 42-58. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural/Horticultural Well. Means a system for providing potable well water or ground water, for the purposes of agriculture and residential, commercial, or industrial lawn care.

Availability Charge means a municipal fee for water infrastructure maintenance.

Capital fee means a one-time fee collected by the county for connection to the water system.

Customer charge means a fee for servicing customer accounts.

Eligible refund means that portion of the project cost qualified for reimbursement to the

petitioner in accordance with this division.

Engineering Fee means fees for engineering review and project observation for residential and commercial subdivision and development set in accordance with a schedule adopted by the board of commissioners.

Extension means any water line segment which is necessary to connect water service to an existing water line.

Extension Permit means the permit issued by the county and, where applicable, a municipality, to allow and regulate the extension of water infrastructure.

Geothermal Well means a well used to provide water to a system, which employs groundwater for the sole purpose of cooling and heating a structure.

Immediate family members means direct lineal family members, including children, grandchildren, great grandchildren, father, mother, grandmother, grandfather and respective spouses.

Major Subdivision means as defined in chapter 36 pertaining to subdivisions.

Minor Subdivision means as defined in chapter 36 pertaining to subdivisions.

Non-residential means commercial, industrial, institutional, or agricultural land use.

Petitioner means the person applying for a waterline extension or well permits.

Potable Well means groundwater, which does not contain foreign materials exceeding the groundwater quality standards specified in the state administrative code.

Private Well Water Supply means any water supply furnishing potable water to no more than two (2) residences or one (1) in-home business. For immediate family members, three (3) connections may be permitted as a private well water supply.

Public Well System means a system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or regularly serves 25 or more individuals. The term includes the following (1) any collection, treatment, storage, and distribution facility under control of the operator of such system and used primarily in connection with such system; and (2) any collection of pre-treatment storage facility not under the control of the operator of the system which is used primarily in connection with such system.

Revenue Sharing Line means a water line owned and constructed by the county in agreement with a municipality as specified in division 3 of this article.

Revolving Loan Line means a water line outside any incorporated areas, constructed through the county program, offering low interest loans to fund extensions of utility services within the county as specified in division 4 of this article.

Semi-Public Well System means a water supply that provides water for the purpose of human consumption for three to fourteen (3-14) service connections and less than 25 people that does not meet the definitions for a public water system.

User Fee means a municipal fee for water consumption that incorporates infrastructure maintenance and the cost to produce potable water.

Volume charge means a municipal fee for water consumption.

Water improvement means any improvement made to existing water infrastructure.

Water infrastructure means any plant, storage facility, line, meter or related materials and equipment for the delivery of safe drinking water to consumers.

Water line means a pipe, which transmits water to users and connects to individual water meters.

Water main means any water line serving an area, sized and located so that additional service connections, beyond the limits of any associated development, can be made without lowering the level of service.

Water tap fee means a municipal fee for connecting water service to a water main or water line.
(Code 1995, ? 504.03)

Cross reference- definitions generally, § 1-2.

Sec. 42-59. Procedures and standards

(a) Requirements for water connection. Requirements for water connection shall be as follows:

- 1) Any existing property owner with a residential dwelling, and existing non-residential property owners with a business establishment, will not be required to connect to water infrastructures, provided: (1) he is connected to a properly functioning public or semi-public potable well infrastructure; (2) he is connected to a private well water supply; or (3) he qualifies for a permit from the county environmental health department to construct an approved replacement well. Those not meeting these conditions will be required to connect to water infrastructure, where available, within thirty (30) days after notice from the county environmental health department. Availability will be determined based on table 1 for residential, or table 2 for non-residential.

Ordinance No. 2003-12

BE IT ORDAINED that the Catawba County Code, Chapter 42, Water and Sewer Ordinance, Article II. Extension of Water and Sewer Service, Sec. 42-59 Procedures and standards is hereby amended to read as follows:

Sec. 42-59 Procedures and standards.

(a) Requirements for water connection. Requirements for water connection shall be as follows:

- (1) Any existing property owner with a residential dwelling and any existing nonresidential property owner with a business establishment will not be required to connect to water infrastructures, provided: (i) he is connected to a properly functioning public or semipublic potable well infrastructure; (ii) he is connected to a private well water supply, or (iii) he qualifies for a permit from the county environmental health department to construct an approved replacement well. Those not meeting these conditions will be required to connect to water infrastructure, where available, within 30 days after notice front the county environmental health department. Availability will be determined based on table 1 for residential or table 2 nonresidential.
- (2) All new residential development, including major and minor subdivisions, will connect to water infrastructure where available. All major and minor subdivisions will connect prior to final plat approval; however, pursuant to and as provided by chapter 36 pertaining to subdivisions, a performance guarantee may be posted in lieu of completion of all or part of required improvements prior to final plat approval. Where no such performance bond is posted, all connections must be made before a permit will be issued. All connections will be made at no

expense to the county. Availability will be determined based on table 1 as follows:

Table 1

Number of proposed dwelling units	Distance from nearest property line as determined by the County Engineer
1	Abutting the property and/or right-of-way
2-9	250 ft.
10-25	1,000 ft.
26-50	2,000 ft.
51-75	3,000 ft.
76-100	4,000 ft.
101-200	5,280 ft. (1 mile)
201-300	15,840 ft. (3 miles)

- (3) The owner of any property that has a water source that is, or becomes, contaminated and is served by a water line must connect to the public water line. Contamination is defined in accordance with the North Carolina Department of Environmental and Natural Resources laws and regulations and is intended to cover only those contaminants that present a health issue for the human population. Water sources include, but are not limited to potable well, private well water supply, public well system and semi-public well system. "Served by a water line," means the water line is adjacent to the property and no municipal/county waterline extensions are required to get to the property. Owners who connect to the public water line within 30 days of the identification of the contamination will receive a 50 percent discount on the regular connection fees.
- (4) All new non-residential development will connect to water infrastructure where available. Availability will be determined based on table 2. Daily flow for non-residential development will be determined based on NCDENR, Laws and Rules for Sewage Treatment, and Disposal Systems section 15A NCAC 18A .1900 (The requirements of the NCDENR Laws and Rules for Sewage Treatment, and Disposal Systems may be obtained from the county environmental health department). Daily flow for establishments not identified will be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data. All connections will be made at no expense to the county.

Table 2

Average water consumption based on NC DENR Administrative Code Section 15A NCAC 18A.1900(gallons per day)	Distance from nearest property line as determined by the County Engineer
130-259	200 ft
260-1,299	500 ft
1,300-3,379	2,000 ft
3,380-6,629	3,000 ft
6,630-9,999	4,000 ft
10,000+	Must extend water infrastructure

- (5) Where feasible, one meter will be required per each customer or water user. (Code 1995, § 504.04; Ord. No. 2003-12, 6-16-2003)

Secs. 42-60—42-85. Reserved.

DIVISION 3. REVENUE SHARING PROGRAM

Sec. 42-86. Purpose

The revenue sharing program is a program to assist local municipalities in extending water and sewer service outside of any incorporated region. The program establishes a partnership between the municipalities and the county, allowing them to offer affordable service to citizens in need. (Code 1995, § 504.10)

Sec. 42-87. Eligibility requirements

- (a) *Eligible projects.* Projects eligible for the revenue sharing program are limited to the following:
- (1) Projects submitted through a government entity.
 - (2) Projects within the county.
 - (3) Projects outside of an incorporated area.
 - (4) Projects associated with water and sewer line extensions for the purpose of offering utility service which could include but not be limited to storage or treatment facilities, but only if such storage or treatment facilities are identified as necessary to accommodate water and/or sewer needed in the county.
 - (5) Projects constructed to stimulate economic development.
 - (6) Projects which address environmental needs such as the health and safety of the general public.
 - (7) Projects constructed to accommodate industrial or commercial growth.

Projects submitted must be supported by information sufficient to allow for adequate evaluation of the project.

(b) *Ineligible projects.* Projects ineligible for the revenue sharing program include but are not limited to the following:

- (1) Projects outside of the county.
- (2) Projects within an incorporated area.
- (3) Projects to be annexed into an incorporated area within two years.

(c) *Eligible project cost.* Project cost eligible for the revenue sharing program are limited to the following:

- (1) The actual cost of the work described in the project application.
- (2) Contingency costs, not to exceed ten percent of the eligible construction estimate; however, upon acceptance of bid, the allowed contingency cost will be reduced to five percent. If the municipality determines upsizing of a line is necessary to accommodate future growth, the cost figures submitted must represent the larger line size.

(c) *Ineligible project cost.* Ineligible project cost for the revenue sharing program includes but is not limited to the following:

- (1) Administrative cost.
- (2) Recurring expenditures associated with operations and maintenance.
- (3) Portions funded through federal, state, and local grants. Such funds will be directly deducted from the project cost.
- (4) In-kind services rendered by either party.

(d) *Limitation of project amounts.* No maximum will be established for the revenue sharing project amounts. Projects will be evaluated and funded according to information supplied and available funds. (Code 1995, § 504.11)

Sec. 42-88. Application deadlines.

January 1 is the application deadline for projects to be funded by the revenue sharing program during the next fiscal year. Emergency projects or projects involving economic development will be considered outside of the deadline period. (Code 1995, § 504.12)

Sec. 42-89 General responsibilities of county.

Under this division the county shall:

- (1) Review projects and respond in a timely manner to accommodate the municipalities' budget schedules.
- (2) Fund fully eligible construction costs of the project to include any or all of the following costs:
 - a. Design;

- b. Legal;
 - c. Permitting; and
 - d. Line placement.
- (3) Retain ownership of the lines until such time the municipality annexes the lines or users of the line
- a. For a voluntary annexation that annexes the line or a user of the line, the county reserves the right to continue the revenue sharing contract, or the county may, at its sole option, require the municipality to reimburse the county for the entire line extending from the municipal boundary existing prior to the voluntary annexation to the outer boundary of the newly annexed area, in accordance with the terms of the specific contract.
 - b. For an involuntary annexation, in which all of the line and its customers are annexed, the municipality shall reimburse the county for the entire line extending from the municipal boundary prior to the involuntary annexation to the outer boundary of the newly annexed area, in accordance with the terms of the specific contract.
- (4) Keep municipalities informed of any actions or plan of action, which could affect the municipalities' ability to manufacture or distribute water or to transport and treat wastewater.
(Code 1995, § 504.13)

Sec. 42-90. General responsibilities of municipality

Under this division the municipality shall:

- (1) Furnish potable water to customers.
- (2) Perform all operation and maintenance items associated with water and/or sewer lines.
- (3) Perform all testing and reporting mandated by federal, state, and local regulations.
- (4) Service the customers through responding to complaints, reading of meters, and billing of services.
- (5) Receive and process all new requests for water and/or sewer service.
- (6) Generate a quarterly report of sales activity along partnership lines.
- (7) Equally divide revenues received by each project on a quarterly basis.
- (8) Pay to the county its share of the revenues received.
- (9) Develop a rate structure consistent for inside/outside customers.
- (10) Implement a percentage rate increase for outside customers equal to rate increases for inside customers.
- (11) Be responsible for applying for federal and state grants, if available.
- (12) Assist the county in a growth plan which mandates controlled and planned growth for the utility system.

- (13) Agree not to charge fees associated with the construction of the line or service connections, provided all costs associated with such activities are borne by the county. Capacity fees or other fees associated with projects must be indicated in the project submittal packet. Such fees could affect the project's ability to be competitive with comparable projects with lesser connection fees.
- (14) Develop construction specifications compatible with other municipalities to avoid incapability of firefighting equipment during mutual aid situations.
- (15) Assist the county in its effort to expand utility service to areas in need, provided it proves feasible.
- (16) If annexation occurs, perform its obligations as provided in section 42-89(3), regarding voluntary and involuntary annexation. (Code 1995, § 504-14)

Sec. 42-91. Contract terms.

All contracts made under this division will be in full force during the agreed term and will remain in full force during any litigation dispute concerning the contract until such time both parties or a court of law decides to the contrary. (Code 1995, § 504.15)

Secs. 42-92—42-120. Reserved

DIVISION 4. REVOLVING LOAN PROGRAM

Sec. 42-121. Purpose.

The revolving loan is a program to assist local municipalities in extending water and sewer service outside an any incorporated area. The program offers low interest loans to fund extensions of utility services within the county. The rates and terms will be established annually. Copies of rates and terms are available at the office of the county manager. (Code 1995, § 504-25)

Sec. 42-122. Eligibility requirements.

(a) *Eligible projects.* Projects eligible for a loan utilizing the revolving loan program are limited to the following:

- (1) Projects submitted through a governmental entity.
- (2) Projects within the county
- (3) Projects outside an incorporated area.
- (4) Projects associated with water and sewer line extensions for the purpose of offering utility service, which could include but not be limited to storage or treatment facilities, but only if such storage or treatment facilities are identified as necessary to accommodate water and/or sewer needed in the county.
- (5) Projects constructed to stimulate economic development.

- (6) Projects which address environmental needs such as the health and safety of the general public.
 - (7) Projects constructed to accommodate industrial or commercial growth. Projects submitted must be supported by information sufficient to allow for adequate evaluation of the project.
- (b) *Ineligible projects.* Projects ineligible for a loan utilizing this program include but are not limited to the following:
 - (1) Projects outside the county.
 - (2) Projects within an incorporated area.
 - (3) Projects to be annexed into an incorporated area within two years.
 - (4) Projects eligible for alternative funding, such as but not limited to state and federal assistance grants.
- (c) *Eligible project cost.* Project cost eligible for a loan utilizing this program are limited to the following:
 - a) The actual cost of the work described in the project application; and
 - b) Contingency costs, not to exceed ten percent of the eligible construction estimate; however, upon acceptance of a bid, the allowed contingency cost will be reduced to five percent. If the municipality determines upsizing of a line is necessary to accommodate future growth, the cost figures submitted must represent the larger line size.
 - (d) *Ineligible project cost.* Ineligible project costs for a loan utilizing this program include but are not limited to the following:
 - (1) Administrative cost.
 - (2) Recurring expenditures associated with operations and maintenance.
 - (3) Portions funded through federal, state, and local grants.
 - (4) In-kind services rendered by the loan recipient. (Code 1995, § 504.26)

Sec. 42-123. Limitation of loan amounts.

No maximum will be established for revolving loan amounts under this division. Projects will be evaluated and funded according to information supplied and available funds. (Code 1995, § 504.27)

Sec. 42-124. Application deadlines.

January 1 is the application deadline for projects to be funded under this division during the next fiscal year. Emergency projects or projects involving economic development will be considered outside the deadline period. (Code 1995, § 504.28)

Sec. 42-125. General responsibilities of county.

Under this division the county shall:

- (1) Review projects and respond in a timely manner to accommodate the municipalities' budget schedules.
- (2) Fund full eligible construction costs of the project to include any or all of the following costs:
 - a. Design;
 - b. Legal;
 - c. Permitting; and
 - d. Line placement.
- (3) Invoice annually the amount due according to the executed contract.
- (4) Retain ownership of the lines until such time as the municipality annexes the lines or users of the line.
 - a. For a voluntary annexation that annexes the line or a user of the line, the county reserves the right to demand full payment of the loan balance due on the entire line extending from the municipal boundary existing prior to the voluntary annexation to the outer boundary of the newly annexed area.
 - b. For an involuntary annexation, in which all of the line and its customers are annexed, the municipality shall reimburse the county for the entire line extending from the municipal boundary existing prior to the involuntary annexation to the outer boundary of the newly annexed area.
 - c. If a user is involuntarily annexed, but the line is not, the county reserves the right to demand full payment of the loan balance due on the line extending from the municipal boundary existing prior to the involuntary annexation to the outer boundary of the newly annexed area.
- (5) Keep the municipality informed of any actions or plan of action, which could affect the municipalities' ability to manufacture or distribute water or transport and treat wastewater.
(Code 1995, § 504.29)

Sec. 42-126. General responsibilities of municipality.

Under this division the municipality shall:

- (1) Furnish potable water to customers.
- (2) Perform all operation and maintenance items associated with water and/or sewer lines.
- (3) Perform all testing and reporting mandated by federal, state, and local regulations.
- (4) Service the customers through responding to complaints, reading of meters, and billing of services.

- (5) Receive and process all new requests for water and/or sewer service.
- (6) Develop a consistent rate structure for inside/outside customers.
- (7) Implement percentage rate increases for outside customers equal to rate increases for inside customers.
- (8) Be responsible for applying for federal and state grants, if available.
- (9) Assist the county in the growth plan which mandates controlled and planned growth for the utility system.
- (10) Develop construction specifications compatible with other municipalities to avoid incapability of firefighting equipment during mutual aid situations.
- (11) Repay the loan according to the executed contract specific to the project.
- (12) Assist the county in its effort to expand utility service to areas in need, provided it proves feasible.
- (13) For annexation, perform its obligations as provided section 42-124(4), regarding voluntary and involuntary annexation. (Code 1995, § 504.30)

Sec. 42-127. Contract terms.

All contracts made under this division will be in full force during the agreed term and will remain in full force during any litigation dispute concerning the contract until such time both parties or a court of law decides contrary. (Code 1995, § 504.31)

Secs. 42-128—42-156. Reserved

ARTICLE III. FIRE HYDRANT INSTALLATION*

Sec. 42-157. Guidelines.

The following guidelines shall apply to the installations of all new fire hydrants required by the fire official and replacement of existing hydrants that are already in service:

- (1) a. Hydrants installed shall be of the dry-barrel type. They shall be listed and approved by a certified testing laboratory and of one of the following brands:
 1. American-Darling Mark 73;
 2. Kennedy k-81; or
 3. Mueller centurion.
- b. The hydrant shall include two two-inch discharge outlets and one 4 ½ inch discharge outlet. All threads of the outlets shall be NST (National Standard Thread). The hydrant shall have a uniform-sized pentagonal operating nut measuring 1.5 inches from point to flat at the base with a 1 7/16 inches at the top.
- (2) Hydrants shall be installed at a readily accessible location. Hydrants shall be installed so that the 4 ½ inch discharge is at least 18 inches above the finished grade. This clearance is necessary to facilitate a hydrant assist-valve when connecting to the hydrant.
- (3) Upon completion of the installation, each hydrant shall be flushed of all sediment or debris that

may hinder its operation. The fire department will then be notified of the completion of the installation and that the hydrant is in service and ready for an inspection by the fire official.

- (4) All completed hydrant installations shall be inspected by the fire official in order to be sure that the hydrant is in compliance with this section.
- (5) All new installations shall be warranted by the installer for a period of one year for material or installation defects.
- (6) Hydrants shall be located as close as possible to street intersections or areas of direct vehicular access. Recommended hydrant spacing for developed areas will be 750 feet. At no time will hydrant spacing exceed 750 feet, except in rural undeveloped areas where there is limited development, in which case utility and fire officials will determine appropriate placement. Larger industrial commercial or multifamily developments may require additional hydrants to compensate for long hose lays and/or greater water demand.
- (7) Hydrants should be located close to street access to facilitate easy hookup.
- (8) Hydrants located in areas designated for parking shall be afforded some type of protection from collision of vehicular traffic.
- (9) Hydrants shall be located at least four feet from any solid object, such as a power pole, tree, building, dumpster, and the like, that may hinder access and use of the hydrant. (Code 1995, § 503.01)